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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00039 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO APRIL 13, 2010
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND [PROPOSED]
)	ORDER
TOMMY ANDRE GATES,)	
)	
Defendant.)	Hearing Date: March 2, 2010
)	Time: 9:00 a.m.

The above-captioned matter is set on March 2, 2010 before this Court for a status hearing. The parties jointly request that the Court continue the matter to April 13, 2010 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this stipulation and April 13, 2010.

On January 14, 2010, the Grand Jury charged Mr. Gates with possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i), and felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). For the most serious offense – the § 924(c) charge – Mr. Gates is subject to a mandatory minimum sentence of 5 years, and a statutory maximum of life imprisonment.

1 The current status of the case is that the parties are negotiating this matter and anticipate
2 that there will be a negotiated disposition of the case. In the meantime, on January 28, 2010 and
3 on February 8, 2010, the defense received discovery in this case and needs time to review and
4 process this discovery. The defense also requires time to investigate the circumstances of the
5 offense and to collect Mr. Gates' prior conviction records to prepare an estimate of his
6 anticipated Guidelines range.

7 The requested continuance will allow the defense to complete its review of the discovery,
8 to investigate the underlying facts of the case, and to obtain and review relevant criminal history
9 records. For this reason, the parties agree that the failure to grant this continuance would
10 unreasonably deny counsel for defendant the reasonable time necessary for effective preparation,
11 taking into account the exercise of due diligence.

12 The parties further stipulate and agree that the ends of justice served by this continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
14 parties agree that the period of time from the date of this Stipulation to April 13, 2010, should be
15 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)
16 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
17 diligence.

18
19 DATED: February 23, 2010

/S/
SKYE DAVIS
Assistant United States Attorney

20
21 DATED: February 23, 2010

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

22
23
24 I hereby attest that I have on file all holograph signatures indicated by a "conformed" signature
25 (/S/) within this e-filed document.
26

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the defense received discovery in this case on January 28, 2010 and on February 8, 2010, and given defense counsel's need to complete her review of the discovery and to discuss it with her client;

2. Given that the defense needs time to investigate the underlying facts of the case and to obtain relevant records to calculate defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of March 2, 2010, scheduled at 9:00 a.m., before the Honorable Sandra Brown Armstrong, is vacated and reset for April 13, 2010, at 9:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from March 2, 2010 to April 13, 2010.

DATED:3/1/10


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge